IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH,
AT HYDERABAD

HONOURABLE MR. JUSTICE N.V. RAMANA

WRIT PETITION NO. 12635 OF 2006

DATE:17.04.2007

BETWEEN:

O. Siva Ganga Bhavani

…. PETITIONER

AND

1. The Project Director, Dist. Rural Development Agency, (DRDA) Guntur, Guntur District, and others.

…. RESPONDENTS

ORAL ORDER:

This writ petition is filed for issuance of Writ of Mandamus declaring the action of the respondents in not allowing the petitioner as Community Coordinator, DRDA, at Chilakaluripet, and further action of respondents in not considering the representations of the petitioner dated 22.03.2006 and 19.05.2006 as illegal and arbitrary and consequently direct the respondents to allow the petitioner to discharge her duties as Community Coordinator, Chilakaluripet, at second respondent's office by paying salaries from the month of March, 2006.

The brief facts of the case are that the first respondent herein issued notification in the month of September, 2002 calling applications for the posts of Community Coordinators Trainees under Velugu Project under the control of A.P. Panchayat Raj and Rural Development. The petitioner submitted her application to the concerned project Director, Velugu Project and appeared for written test on 12.10.2002 at Guntur, and for interview on 21.10.2002. Since she was not given posting orders along with others, the petitioner earlier filed W.P.No.2697 of 2002 before this Court and obtained interim order on 25.04.2003. Basing on the said interim orders the petitioner has been given posting orders on 10.07.2003 as Community Coordinator (CC) at Chilakaluripet. While so, on 4.03.2006 one Smt. G. Sujatha, the third respondent herein was

posted at the place of the petitioner even without intimation or any transfer proceedings to the petitioner. Hence, she was under the impression that the third respondent was posted as an additional Community Coordinator, and both were continued in the service for a couple of months without paying any salaries to both of them. Under the above circumstances, the petitioner submitted representations to the respondents on 22.3.2006 and 3.04.2006 stating that she has not received any transfer orders so far, and requested to continue at the present place by paying salaries, but in vain. It is stated that the petitioner received show cause notice dated 06.05.2006 from the first respondent indicting the punishment of termination for not joining at transfer place and called for explanation from the petitioner. Accordingly, the petitioner submitted her explanation on 19.05.2006 stating that without communicating any transfer orders to her, the third respondent has joined in her place. It is alleged that though the third respondent committed certain financial irregularities, to accommodate her, the petitioner was disturbed.

A counter affidavit has been filed by the first respondent stating that the petitioner was appointed on contract basis as Community Coordinator, as staff of Mandal Samakhya and is entitled for stipends from the capacity building funds of Mandal Samakhya. The said post of Community Coordinator is transferable to any place within the District and the petitioner was positioned in Cluster II of Chilakaluripet Mandal from 10.07.2003. The job of Community Coordinator is to create awareness among the poor to enlarge their opportunities for their social and economic development. It is also submitted that

on administrative grounds, certain changes have been made in the project and the petitioner has been transferred to Krosuru Mandal from Chilakaluripet Mandal and other Community Coordinator by name Smt. G. Sujatha, the third respondent herein, was posted in place of the petitioner and the said transfer orders were issued by proceedings dated 5.04.2006. It is also stated that the petitioner herein refused to receive the transfer order and is absent from the duties from the date of transfer order. It is further submitted that the petitioner has sent number of telegrams right from 7.03.2006 to 10.05.2006 for grant of leave on the ground of various ailments and contended that she is attending work in Chilakaluripet Mandal, which is nothing but false statement. Since the petitioner was absent from duty at Krosuru Mandal, in compliance of the transfer order, left with no option, the first respondent issued show cause notice dated 6.05.2006 calling upon the petitioner as to why the contract of the petitioner with project should not be terminated for violation of the directions of the superior authorities and for violation of terms and conditions laid down in the contract, for which the petitioner submitted explanation on 19.05.2006 wherein she did not reply to the allegations of not receiving the transfer orders and on the other hand, she has questioned the competency of respondent authorities in issuing transfer orders.

In pursuance of the allegations made by the petitioner, this Court directed the first respondent Project Director to appear in person before this Court to defend the case, and to produce the relevant file. Today, the first respondent appeared before this Court and produced the relevant record.

As seen from the record, the transfer orders were issued

on 05.04.2006 transferring the petitioner from Chilakaluripet Mandal to Krosuru Mandal on some administrative grounds. Later on, a report has been sent by the Chilakaluripet Mandal stating that the petitioner refused to receive the transfer orders, and accordingly sought for further action in this matter. The petitioner gave several telegrams for extension of leave from time to time. The allegation of the petitioner is that one Ramalingeswara Reddy was compelling to transfer her from the place and also did not allow her to work in the place where she is working and to that effect she made representations to the authorities also. But unfortunately, the file does not disclose any action against the said representations. It seems that the petitioner did not join in the place where she was transferred under which circumstances a show cause notice has been issued to the petitioner for termination of her job, for which the petitioner submitted her explanation. Now it is stated that the said Ramalingeswara Reddy died and he is no more in the department.

Under the above circumstances, without going into the merits of the case, the first respondent is directed to consider the explanation submitted by the petitioner independently, uninfluenced by the allegations made by the officers concerned, and pass appropriate orders on the representations dated 22.3.2006 and 3.04.2006 submitted by the petitioner, within a period of four weeks from the date of receipt of a copy of this order. After taking a decision, the same may be communicated to the petitioner.

With the above observations and directions, the Writ Petition is disposed of. There shall be no order as to costs.

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(**N.V.RAMANA, J.**)

17th April, 2007
Js.